

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

R.R. STREET & CO. INC. and	§
NATIONAL UNION FIRE INSURANCE	§
COMPANY OF PITTSBURGH, PA, as	§
subrogee of R.R. Street & Co. Inc.	§
Plaintiffs,	§ Case No. 1:08-CV-01182
	§ Judge: Hon. Virginia M. Kendall
v.	§ (Jury Requested)
VULCAN MATERIALS COMPANY, n/k/a	§
LEGACY VULCAN CORP.,	§
Defendant.	§

**NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA'S
MOTION TO ALTER OR AMEND THE JUDGMENT**

Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Plaintiff National Union Fire Insurance Company of Pittsburgh, PA as subrogee of R.R. Street & Co., Inc. ("National Union") files this Motion to Alter or Amend the Judgment (i.e., the Court's July 31, 2008 Memorandum Opinion and Order (Docket No. 43)) and shows the following:

National Union adopts and incorporates herein the entirety of Co-Plaintiff R.R. Street & Co., Inc.'s Rule 59(e) Judgment (i.e., the Court's July 31, 2008 Memorandum Opinion and Order).

Dated August 14, 2008.

Respectfully submitted,

BOLLINGER, RUBERRY & GARVEY

/s/ Bryan G. Schumann

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**ATTORNEYS FOR PLAINTIFF,
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, as
subrogee of R.R. STREET**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served upon all parties, by and through their counsel of record, electronically via the Court's ECF system on this the **14th** day of **August, 2008**.

/s/ Bryan G. Schumann
Bryan G. Schumann

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**ORDER GRANTING NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA'S RULE 59(e)
MOTION TO ALTER OR AMEND THE JUDGMENT**

On this the _____ day of _____, 2008, the Court considered National Union Fire Insurance Company of Pittsburgh, PA's Rule 59(e) Motion to Alter or Amend the Judgment (i.e., the Court's July 31, 2008 Memorandum Opinion and Order) (Docket no. ____), and after considering the Motion, the Court finds that said Motion should be **GRANTED**. It is therefore

ORDERED that Vulcan Materials Company, now know as Legacy Vulcan Corp.'s Motion to Dismiss or, in the Alternative, Stay the Complaint (Docket No. 22) is **DENIED**.

Signed this the _____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE